

TITLE III LANGUAGE INSTRUCTION FOR English Language Learners

Overview of Title III

Title III is a federal formula grant program that makes **supplemental** funds available to local school districts based on the number of ELL (LEP) students enrolled in the district and in Private Schools located in the district. The purpose of the program is to ensure that these students are prepared to meet the English language proficiency standards as well as the same challenging state academic content and performance standards and grade level expectations expected of all other students.

Two **required** supplemental expenditures under Title III are:

- professional development for all teachers of ELLs, including ESL and bilingual teachers, ELL teacher assistants, and content area teachers of ELLs
- enhanced instructional opportunities, including specific instructional interventions to meet identified academic needs of ELLs, or extended day, summer or ramp-up programs

Allowable supplemental expenditures for Title III include:

- parent support and information services
- linguistically appropriate materials, particularly those that address academic language development

What are the district's responsibilities under the Title III program?

- provide programs and services that reflect scientifically based research regarding the education of ELL students while permitting flexibility to the extent permitted under state law to select and implement activities in a manner that best reflects local needs and circumstances;
- ensure that programs and services are of sufficient scope and quality to carry out high-quality language instruction programs that assist ELL students to meet English language proficiency standards, state content and performance standards, and grade level expectations in reading, writing and mathematics;
- be accountable for meeting the Annual Measurable Achievement Objectives (AMAOs) for ELL students;
- annually assess the English-language proficiency of all ELL students served through this program;
- annually assess progress of ELL students toward meeting E/LA and mathematics standards;
- form a consortium if the total amount of the district's allocation is less than \$10,000. See below for requirements;
- hold timely and meaningful consultation with appropriate private school officials in the geographic area served by the district, in order to provide funded services to the ELL students and staff in those private schools, taking into account the total number of ELLs and their educational needs. Evidence of consultation, number of ELLs in private schools, and the district's plan to evaluate participation in Title III services must be submitted on the private school participation form which can be found in the document library. Please upload this form on the Related Documents page of the grant.

Title III Supplement not Supplant Requirements

Title III is a **supplemental** program to provide services in addition to, but not to replace, core English language instructional programs. States, districts, and schools are required to provide core English language instruction programs and services for English Language Learners (ELLs) based on Title VI of the Civil Rights Act of 1964, and its implementing regulations, as interpreted by the U.S. Supreme Court ruling in *Lau v. Nichols*, and the Equal Educational Opportunities Act of 1974. An LEA may not use Title III funds to pay for services that are necessary and required to be provided by other Federal, State, or local funds. Therefore, Title III funds **must** supplement all other Title program dollars, IDEA dollars, other federal requirements such as *Lau* or *Castañeda* **and** state requirements such as Ch. 16-54, the BEP, other state education requirements **and** any local/district requirements (such as professional development requirements). The following questions should be used to guide decisions about whether or not Title III is the appropriate source for expenditures:

1. How are English language development services provided or funded for all LEP students?
2. What services/programs does the LEA offer to meet *Lau v. Nichols* requirements?
3. Is the LEA required to provide the service or activity based on Federal, State or local law aside from Title III?
4. Was the service or activity previously funded by a source other than Title III?

Activities associated with the core English language instruction program which are required by the above referenced Acts and should **not** be funded by Title III include (but are not limited to):

- Home Language Survey implementation
- substitutes or stipends to administer and score the initial screening of English proficiency with the W-APT. Use of Title I, Part A funds is also prohibited for this expenditure.
- substitutes or stipends to administer the ACCESS English proficiency assessment. This assessment is a requirement of Title I, Part A but is not an authorized expenditure under Title I, Part A.
- salaries of ESL teachers to provide basic ESL services (responsibility of the State and LEA, not the Federal Government)
- the cost of administration of any State assessment including ACCESS
- parent notice of program placement, progress reporting, exit, etc. are all required by Ch. 16-54 and therefore not allowable under Title III funding

Core English language development program activities may be paid with State or local general funds.

Allowable Title III Expenditures

Activities that are directly attributable to Title III requirements and are allowable Title III expenditures *could** include (but are not limited to):

- professional development which exceeds the minimum professional development

outlined in Ch. 16-54 for classroom teachers, ESL staff, and administrators on effective instruction for LEP students, ELP standards implementation, "alignment" of curricula and state standards

- peer coaching to develop teacher expertise in providing instruction to LEP students
- parent communications which exceed required general education communications and parent notice requirements in Ch.16-54 and other state or Federal parent communication requirements.
- additional enhancements to ESL/bilingual services beyond the core ELL program and general education program including supplemental staff and instructional materials to support additional language instruction services. An LEA without a bilingual program can provide supplementary bilingual materials and services in addition to core ESL program. An LEA with bilingual programming in one target language could provide supplemental materials in other target languages.
- support for parental resource centers so they can address the needs of parents of ELLs so long as these activities are above and beyond state and federal parent requirements
- afterschool, summer, and Saturday programs which are in addition to any other district afterschool, summer, or Saturday programs

History of Expenditures

As a general rule, the use of Title III funds to pay for services to ELLs that were paid for in prior years with State, local, or other Federal funds also is assumed to be a violation of the non-supplanting requirement.

***Any determination about supplanting is very fact specific, and it is difficult to provide general guidelines without examining the details of a situation. What is allowable in one district *may be considered supplanting in another district* due to specific district requirements and previous use of funding.**

Staffing Plan

Submit the requested data on student proficiency levels, certification/endorsement data, and program staffing for the requested time periods. Please note that the certificate/endorsement table is a count of how many staff are actively using which certificate or endorsement. It is *not* a count of how many staff at elementary, middle, or high school level have an ESL certificate or ESL/bilingual endorsement. The staffing plan must be developed in accordance with requirements under Ch. 16-54 Regulations section L-4-8 Class size. Numbers of students at various proficiency levels and grade clusters are requested to assist districts with assigning sufficient staffing to ensure compliance with Ch. 16-54 Regulations section L-4-7 Time requirements.

Supplemental Activities Table

Title III reviewers should be able to connect all budgeted items with activities listed in this table. Do not include activities which are not being funded with Title III dollars. Be sure to account for any budgeted items in the supplemental activities table. Please name and describe the activity in the first/left-most column. The second column, Duration and Intensity, is *not* meant to accommodate extensive descriptive details. When the entry in this column exceed character limits, reviewers merely see the first few words followed by ... and are unable to review that item. Incorrect entry will delay the Title III grant review.

Title III funds can support additional professional development that supplements the state required professional development under Ch. 16-54 L-4-12. Please complete the new Professional Development worksheet which can be found in the RIDE document library and upload it to the Related Documents page of Title III to help demonstrate the supplemental nature of any Title III funded professional development.

Private School Consultation

Districts are encouraged to review the various resources provided in the RIDE Document Library under Title III on Private School Consultation.

Private School Consultation Requirements:

- Contact all private schools in district
- Discuss participation in Title III funded services for ELL students and faculty in their schools. Title III services are only supplemental services, so core ELL programming is **never** provided under Title III to either public or private school students
- Private school students and teachers may receive benefits, services, and materials from these programs; although private schools do not receive direct funding from these programs. ***The LEA always maintains control of the funds.***
- Submit evidence of consultation on RIDE form which can be found in the document library:
 - describe the private school participation
 - provide the district plan to evaluate the services provided to the private school
 - give a count of ELL students in the private school by grade level
 - obtain private school official's signature with intent to participate or not participate
 - upload the completed form on the Related Documents page of the Title III application

Consortium Requirements:

- If the Title III allocation for the district is less than \$10,000, the district must join an existing consortium or form a consortium with at least one other district in order to reach a combined total of \$10,000 or more. Before the application is submitted, RIDE must receive a declaration of intent to join a consortium from each proposed member district. See sample Declaration of Intent in the RIDE document library.
- One of the districts must serve as the fiscal agent for the consortium. All participating LEAs must develop a memorandum of understanding (MOU) that outlines how the consortium will meet all Title III requirements, including, but not limited to: achievement of Title III AMAOs; AMAO notification to parents requirements; private school participation procedures; and participation in an improvement plan if the consortium as a whole fails to meet Title III AMAOs for two consecutive years that identifies what caused the consortium to not meet AMAOs. .

Responsibilities of Fiscal Agents:

- The fiscal agent of the consortium must have on file from each district a memorandum of understanding that outlines how the consortium will meet all Title III requirements, including, but not limited to, Title III AMAOs, parental notification to parents of participating ELL students, and participation in an improvement plan if the consortium as a whole fails to meet AMAOs for two consecutive years. Each MOU must be signed by the superintendent of the district agreeing to be a member of the consortium.
- The fiscal agent is responsible for ensuring that a staffing plan for each individual member district is developed and submitted to RIDE under related documents in the CRP.
- The fiscal agent is responsible for all fiscal transactions of the consortium (requisitions, purchases, payments, etc.) and for maintaining records of all financial transactions carried out on behalf of the consortium.
- The fiscal agent is responsible for taking steps that result in all participating LEAs meeting their responsibilities under Title III to the ELLs they serve.
- Should the consortium fail to meet AMAOs for two consecutive years, the fiscal lead is responsible for ensuring that an improvement plan is created that addresses the causes of the failure *and/or* any areas not in compliance with Title III requirements or Rhode Island ELL Regulations under Chapter 16-54-2 per desk audit or onsite monitoring reports.
- The fiscal agent is responsible for notifying parents of LEP children served under Title III that the entity failed to meet the AMAO's as necessary. This may be relegated to the individual member LEAs, but the fiscal lead must sign the assurance to RIDE that the parents have been notified.
- The fiscal lead is responsible for ensuring that all non-public schools within all member district boundaries are consulted and given the opportunity to participate in Title III activities in accordance with Title IX, Part E, Secs. 9501-9506

Responsibilities of LEA members:

Consortium members must meet to discuss and develop a common plan that meets the requirements of Title III and other issues including the following:

- Needs of member districts for improving services for ELLs
- Needs of member districts relating to professional development to improve instruction for ELLs
- Common plan to effectively and efficiently use Title III funds to meet the identified needs of the consortium members

Accountability for Consortia:

Once formed, a consortium is considered a single subgrantee under Title III for accountability purposes (the same as an individual school district subgrantee). LEA members are, therefore, not held individually accountable for meeting AMAOs. AMAOs are only calculated at the consortium level *pooling* student scores from all of the LEA members. It is not possible for a single LEA member of a consortium to meet or fail to meet AMAOs.